



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SE-5J

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
OVERNIGHT DELIVERY

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David B. Stuhs
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The International Paper Company
6400 Poplar Avenue
Memphis, Tennessee 38197

Joseph P. Jackowski
Weyerhaeuser Company
33663 Weyerhaeuser Way S.
Federal Way, WA 98003

Re: Portage Creek Time Critical Removal Action at the Allied Paper, Inc./Portage
Creek/ Kalamazoo River Superfund Site

Dear Sirs:

Previously, the U.S. Environmental Protection Agency (EPA) sent you general notice that you may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for cleanup of the Allied Paper, Inc./Portage Creek/ Kalamazoo River Superfund Site (Site). EPA has taken major response actions at the Site and anticipates further actions.

Currently, EPA is in the process of preparing an Action Memorandum to conduct a time critical removal action within the Portage Creek Area of the Site. EPA estimates that the time critical removal action will require over 200 on-site working days to complete over two or more construction seasons. The removal action will include:

- 1) Developing and implementing Site planning documents (e.g. Health and Safety Plan, Work Plan, Sampling and Analysis Plan), Site security measures, necessary staging/support areas;
- 2) Dredging and/or excavating PCB-contaminated sediments and soils with elevated PCB concentrations in those areas specified in an EPA approved work plan;
- 3) Stabilizing the disturbed creek banks and sediments to mitigate exposures to PCB-contaminated banks and sediment and potential future erosion;
- 4) Dewatering, solidifying, as necessary, and disposing off-site of all PCB-contaminated sediment, bank and floodplain soils removed pursuant to proposed actions 2 and 3 above. PCB contaminated material with PCB concentrations equal to or greater than 50 mg/kg shall be transported off-site to a chemical waste landfill that is in compliance with all state and federal regulatory requirements. PCB-contaminated material with PCB concentrations less than 50 mg/kg shall be transported off-site and disposed in an appropriately licensed and permitted commercial landfill in compliance with all state and local laws;
- 5) Utilizing various engineering controls (e.g. coffer dams, pumps, silt fence, silt curtain, etc.) to manage diversion of Portage Creek during dredging/excavation activities and to help control resuspension/migration of sediment/soils during site operations;
- 6) Establishing a dewatering and water treatment system that discharges to Portage Creek;
- 7) Monitoring and sampling during implementation of the response action;
- 8) Backfilling dredged/excavated areas with clean material and topsoil and restoring dredged/excavated areas to prevent potential erosion;
- 9) Ensuring that restoration and re-vegetation (with native plant species) occurs, and that appropriate monitoring and maintenance is performed both during and after the response action.

Consistent with 40 C.F.R. § 300.415(a)(2), EPA encourages you, as a potentially responsible party at the Site, to agree to conduct the removal action as described above. EPA is willing to discuss with you the entry of an appropriate administrative consent agreement under which you would perform or finance response activities and reimburse EPA for its oversight costs. An example of such an administrative consent agreement is enclosed. If an administrative consent order cannot be promptly concluded, EPA will consider other avenues. Specifically, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work or perform the work itself with Superfund monies. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with any unilateral order EPA may issue.

Please notify EPA in writing on or before May 2, 2011 of your willingness to perform or finance the activities described above and to reimburse EPA for its oversight costs. Your response should be sent to:

Leslie A. Kirby-Miles
Associate Regional Counsel
U.S. EPA Region 5
77 W. Jackson Blvd. C-14J
Chicago, IL 60604-3590

If EPA does not receive a timely response, EPA will assume that you have declined any involvement in performing the removal activities. Please give this matter your immediate attention. If you have any questions regarding this letter, please contact Leslie A. Kirby-Miles in Region 5's Office of Regional Counsel at (312) 353-9443. Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Linda Nachowicz for".

Linda Nachowicz, Chief
Emergency Response Branch 2

Enclosure

http://www.epa.gov/region5/sites/kalproject/pdfs/kalproject_aoc_200906_plainwelldam2.pdf

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